



Town of Bar Harbor Planning Department Staff Report

Date:

February 25, 2010

Case:

Implementation of Comprehensive Plan

-Town Hill, Red Rock Corner, and Head of the Island Neighborhoods

Scheduled Meeting Dates:

- 1. March 11, 2010: Neighborhood Visioning Session**
- 2. March 17, 2010: Introduce Projects to Planning Board**

Study Area:

The study area includes the Head of the Island, Red Rock Corner, and Town Hill Village areas of Bar Harbor.

Project Overview:

In November 2007 the Town of Bar Harbor updated its Comprehensive Plan. This document provides the framework for future growth, development, and conservation within the Town. The broad goals and policies adopted in the 2007 Comprehensive Plan are used as a baseline for the Town to improve and revise the Land Use Ordinance. As such, the Town is currently continuing the process of implementing the changes outlined in this document.

To implement these changes, the Comprehensive Plan includes a Future Land Use Map which loosely segregates geographical areas in Bar Harbor into growth or rural districts. The future Land Use Map is also used to define areas suitable for new or revised zoning districts, and provides an outline of what some of those changes might be.

The Future Land Use Map defines portions of this study area as Rural, Critical Rural, and Town Hill Village. Please refer to Appendix B for a copy of the Future Land Use Plan and the definitions of Rural, Critical Rural, and Town Hill Village as extracted from the Comprehensive Plan. The upcoming neighborhood meeting is intended to provide a venue to discuss the existing and future character of these areas of Bar Harbor in the context of the definitions from the Future Land Use Plan.

Existing Conditions:

This area is comprised of a mix of rural, residential, and commercial uses. It is currently comprised of four different zones which include: Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural.

Table 1 below presents a summary of the current lot standards for each of these districts.

Table 1

Zoning Designations Summary:

| Standards | Town Hill Business Section 125-43 (A-H) | Town Hill Residential Corridor Section 125-44 (A-H) | Town Hill Residential Section 125-45 (A-H) | Town Hill Rural Section 125-46 (A-H) |
|--------------------------------------|--|--|---|---|
| Minimum lot size: | 40,000 sq. feet | 40,000 sq. feet | 40,000 sq. feet | 40,000 sq. feet |
| Minimum road frontage and lot width: | 200 feet | 200 feet | 200 feet | 200 feet |
| Minimum front setback: | 75 feet | 75 feet | 75 feet | 75 feet |
| Minimum side setback: | 25 feet | 25 feet | 25 feet | 25 feet |
| Minimum rear setback: | 25 feet | 25 feet | 25 feet | 25 feet |
| Maximum lot coverage: | 50% | 15% | 15% | 25% |
| Maximum height: | 40 feet | 40 feet | 40 feet | 40 feet |
| Minimum area per family: | 10,000 sq. feet | 20,000 sq. feet | 20,000 sq. feet | 40,000 sq. feet |

Implementation Process:

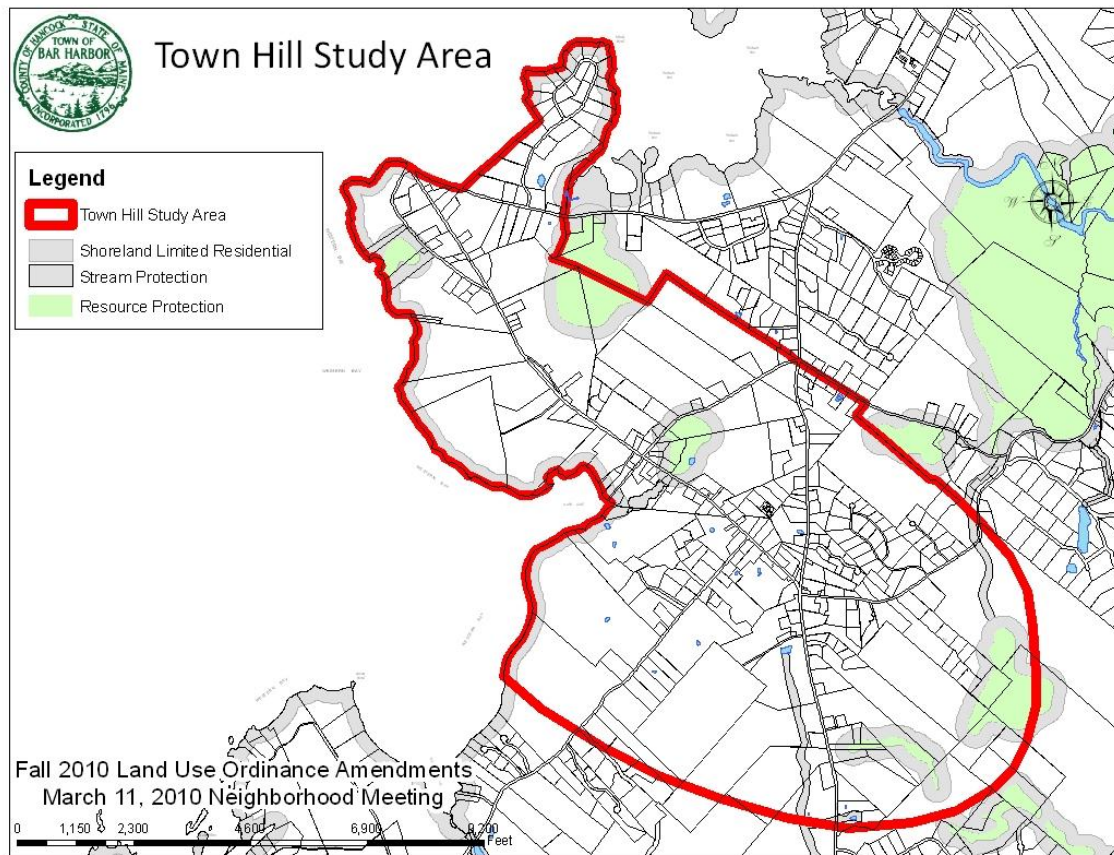
The upcoming Neighborhood Meeting is intended to be a visioning session to gather residents ideas and interpretation of the language from Future Land Use Section of the Comprehensive Plan. Staff encourages interested parties to review the current dimensional controls, permitted uses, and Future Land Use Plan to determine what, if any, changes are necessary.

Following the visionary work session staff will present a summary of this work effort to the Planning Board and Economic Development Task Force to gather additional thoughts and input. Staff will then prepare draft language for public review at a follow up neighborhood meeting in late March. Please review the attached schedule in Appendix C for a complete overview of this public review process.

Conclusion:

If you are interested in voicing your opinion and discussing the future of your neighborhood with your neighbors, please join us at the March 11, 2010 neighborhood meeting. The meeting will commence at 6:00 pm at the Town Hill Community Hall.

Appendix A: Map of Town Hill Study Area



Appendix B: Future Land Use Plan

The map and plan embody the concept that the Town include distinct rural, transitional, and growth areas. Designation of these areas has evolved directly from:

- An understanding of Bar Harbor's water and natural resource systems. Some present barriers to development, others offer opportunities;
- The historic development of the community;
- A desire to preserve a traditional village and countryside pattern of living, and to keep the character of each intact;
- The need to extend and use public services in the least costly manner possible;
- A desire to provide ample opportunity for development of reasonably priced housing; and
- The input of community comments received at public meetings, forums, and other communications.

As suggested by Maine's Planning and Land Use Regulation Act and its regulations, each of the three types of areas include lands that:

| Figure III.B.2 Growth, Transition, and Rural Areas | | |
|--|--|---|
| Rural Areas | Transitional Areas | Growth Areas |
| Consist of large, contiguous open spaces, farmland, and forest land | Are suitable for medium density development | May be largely developed, but contain sufficient area to accommodate anticipated growth and development |
| Do not require expansion of municipal facilities | Do not require expansion of municipal facilities | Can be efficiently served by public facilities |
| Contain critical natural and scenic resources that shall be protected | Do not contain significant rural resources | Are physically suitable for development or redevelopment |
| Are and shall be maintained relatively free of development sprawl and strip developments | Provide for limited, suburban or rural residential development opportunities | Promote a compact, rather than a sprawling, pattern of development |

For purposes of Bar Harbor's Future Land Use Plan, rural, transitional, and growth areas are subdivided as follows.

These areas shall be refined during the implementation phase of the Land Use Plan. The USGS *Nutrient Load and Estuarine Response Decision Support System* model, presented to the Town in April 2005, shall help the Town finalize locations of and conditions under which development takes place in the Northeast Creek watershed to reduce the nutrient load of built-out areas. The approach to creation of *Town Hill Village* will be further refined in a future planning process.

1. Rural Areas:

Rural areas are made up of **CRITICAL RURAL AREAS** and **RURAL AREAS**.

a. CRITICAL RURAL AREAS – This designation provides the highest level of protection for the community's most sensitive and/or important natural resources. It is intended to preserve fragile ecological systems, which, if intensively developed or substantially altered, would damage water quality, wildlife and aquatic habitat, biotic systems, and ecological relationships. The objective of this designation is to prevent intrusions which upset the ecological system, create potential

threats to the public health or safety, or fundamentally undermine the Town's character. **CRITICAL RURAL AREAS** follow the guidelines for resource protection outlined in Maine's most recent model shoreland zoning. They include flood prone areas, excessively and poorly drained soils, extensive areas of wetlands, coastal hazard areas, rare or exemplary natural communities, very large blocks of undivided and undeveloped land, and/or those sensitive natural areas that the community has identified as "Favorite Places and Distinctive Features". Small spots of **CRITICAL RURAL AREAS** may occur within larger rural, transitional, and growth areas.

CRITICAL RURAL AREAS shall be off limits to virtually all development, except primitive recreation, forest management, wildlife management, emergency and fire protection activities, and harvesting of wild crops. Uses such as timber harvesting, agriculture, public education or research of natural sciences, and essential services may be suitable in these areas if they are carried out in a way which does not damage the resource or lower its value in meeting natural resource functions. Human activities that go on in these areas shall adhere to standards such as those presented in the state's model shoreland zoning ordinance.

CRITICAL RURAL AREAS on the Future Land Use Map are general indications of the locations of these areas. When land use regulations are amended to implement the Future Land Use Plan, the Town shall provide an administrative mechanism to allow for adjustments in the boundaries of these areas based upon actual conditions in the field.

b. RURAL AREAS— This designation is intended to provide long term protection of resource production, important natural features, large blocks of unfragmented habitat and open space, and scenic lands from incompatible development that threatens natural resource-based industries, working landscapes, or the character of Bar Harbor. This designation includes those areas of the community that have multiple natural resource constraints, and/or are especially important for resource-based, scenic, and/or recreational opportunities, and/or are especially important for long-term water quality.

RURAL AREAS do not have access to public services like public sewer or water and include only those community facilities that draw few visitors and are compatible with rural activities. This designation is intended to preserve the open, rural character of Bar Harbor by encouraging agricultural and forestry uses in these areas, discouraging suburban-type residential development activity, and assuring that development that does occur is done in a manner which preserves the aesthetic rural character of the community. Land uses shall be focused on the agricultural and resource values of the area. If developed in a manner sensitive to the objectives of these areas, mineral extraction, essential services, and some low intensity outdoor recreation, public, institutional, or commercial activities may be acceptable.

To help preserve the aesthetic rural character of **RURAL AREAS**, Bar Harbor shall discourage the creation of lots along existing roads. To accomplish this, the Town shall increase the lot frontage requirement to a minimum of 400 feet per lot on existing state or town-owned roads and allow a minimum of 150 feet of frontage on internal public or private roads. Within this designation, the Town shall allow the creation of smaller lots for residential developments if the balance of the area needed to meet density requirements is permanently set aside for agriculture, forestry, or open space use. The size of these reduced lots shall be tied to the suitability of the site for on-site sewage disposal. Furthermore, to help preserve the character of state and town roads, Bar Harbor shall encourage trail connections between subdivisions.

To discourage large-scale residential development, which is incompatible with the character of **RURAL AREAS**, the Town may require residential development involving three or more lots or dwelling units to use Planned Unit Development (PUD) techniques with 50% or more of the parcel (not including any designated **CRITICAL RURAL AREAS**, which include their own building limitations) permanently set aside as open space to be used for agricultural, forestry, natural or cultural

resource, or recreational purposes. Development rights for this open space shall be permanently restricted. Individual lots created as part of the development shall have their frontage on an internal road rather than on an existing state or town road. The Town shall also require that development in PUDs avoid active and inactive farms, farmland soils, and woodlots, retain and buffer significant natural resources, wildlife habitats, scenic resources, and protected spaces and promote rural character through thoughtful siting of buildings and lots and the preservation of buffers along town roads.

The predominant pattern of development in **RURAL AREAS** is intended to consist of very low intensity development, similar to the current gross density of one dwelling units per 7.28 acre¹, broadly dispersed within what would otherwise be a working landscape and other rural resources that significantly contribute to the community's character. Bar Harbor's goal is that the rate of residential development within **RURAL AREAS** shall be no more than 10% of the total number of permits granted townwide. If, within two years of adoption of changes to the Land Use Ordinance (LUO), the amount of growth exceeds the established goal of 10%, the Town shall consider limiting the number of building permits for new residential units granted each year in designated **RURAL AREAS** to no more than 10% of the total number of permits granted townwide in the previous year to discourage inappropriate development. Changes to the LUO for **RURAL AREAS** shall include incentives as well as master planning, phasing of development, and other standards and design techniques and may include an annual limit of no more than three building permits in any subdivision in any one year. The Town shall explore creative techniques, such as transfer of development rights and/or density transfer options, to direct new residential growth to **VILLAGES** and **INSTITUTIONAL CAMPUS AREAS** and encourage permanent protection of portions of designated **RURAL AREAS**.

3. Growth Areas

The designation of growth areas is intended to ensure that the Town plans for growth and development by directing it to areas most suitable for development and away from areas where it would be incompatible with protection of natural and rural resources. Growth areas may include some land areas that are physically unsuitable for development or redevelopment, such as a stream, small flood prone area, small natural hazard area, small pond, or small critical natural resource if they are of a scale and a level of protection that does not hinder the effectiveness of the growth area.

To encourage development in growth areas, it is important that growth areas offer a high quality of life. To assure that growth areas are attractive, desirable locations for growth, it is important that open spaces, parks, and overall quality of the landscape is not an afterthought, but is front and center in the design of the areas. Linked open spaces, parks and natural areas, sensitively located and well maintained landscaped buffers, and an abundance of shade trees, especially as part of the streetscape, are a critical part of ensuring that different land uses are good neighbors, that privacy is a key factor in design, and that growth areas are desirable places to live.

Growth areas are made up of **DOWNTOWN VILLAGE AREAS**, **HULLS COVE VILLAGE AREAS**, **OLD VILLAGE AREAS**, **NEW VILLAGE AREAS**, **TOWN HILL VILLAGE AREAS**, **INSTITUTIONAL CAMPUS AREAS**, and **LIGHT INDUSTRIAL AREAS**.

a. DOWNTOWN VILLAGE AREAS – These mature, developed areas have traditionally accommodated a higher density of Bar Harbor's population, a greater mix of businesses and institutions, and an overall higher intensity of use than occurs in the rest of Town. Furthermore, much of the Town's commercial and a large part of its social activity take place in **DOWNTOWN**

¹ Calculated based on approximate number of units per acre of developed parcel.

VILLAGE AREAS. This designation is intended to encourage the preservation, revitalization, and some expansion of development in **DOWNTOWN VILLAGE AREAS** and to protect it from encroachment from incompatible uses.

DOWNTOWN VILLAGE AREAS include the areas:

- of downtown defined by the shore, West, Eden, Spring, and Park streets and
- along Route 3 near the outlet of Duck Brook.

Most **DOWNTOWN VILLAGE AREAS** are served by public sewer and water and host a number of community and municipal facilities. This designation is intended to allow for infill development with similar types of uses at comparable densities, which are generally higher than what occurs in other parts of the community. Where necessary, public sewer and water shall be extended, new public facilities shall be sited to support and enhance a village environment, and existing facilities shall be maintained and replaced, as necessary.

The primary objective of this designation is to reinforce the concept of Bar Harbor village and a village lifestyle. To accomplish this, the Town shall adopt an approach to dealing with existing buildings that encourages their full utilization by allowing flexibility in their use. Permitted uses shall include higher density residential, comparable to the intensity and design of existing development in the surrounding village, community facilities, and appropriately scaled retail, office, service, and other nonresidential uses suitable for a central business area and mixed use village. Existing nonresidential uses that are not necessarily village-oriented, particularly those located along Route 3, shall continue to be allowed, but may only undertake limited expansion as part of overall renovation and maintenance necessary to allow for continued economic operation of the properties. Development proposals shall undergo design review to ensure compliance with these standards and maintenance of a comfortable and attractive pedestrian environment. Reuse, expansion, and construction of new structures shall be of a high quality and shall require that the existing character of the streetscape be retained or improved by carefully controlling the placement of parking and prohibiting the use of front yards for parking and storage, that adequate parking be provided including satellite lots, if appropriate, that the site be well landscaped, that adjoining uses be adequately buffered, and that the architectural character of buildings be preserved. Access to serve new uses shall be regulated to conform to the character of the surrounding village, adjacent areas shall be protected from adverse impacts of change, and new buildings shall be compatible with historic character in terms of the scale, placement, and use of materials. **DOWNTOWN VILLAGE AREAS** shall serve as the center of Bar Harbor's social and cultural life. A safe, comfortable, and attractive pedestrian environment shall be a key focus of amended standards of development which will be part of required design review of new development.

Historic and business district designations shall be maintained within **DOWNTOWN VILLAGE AREAS**. A large array of commercial and business uses shall be allowed in existing business areas, although it is critical that the scale and intensity of development respect and reflect standards to assure that the uses are good neighbors to nearby residential neighborhoods and properties. Business areas shall include standards that respect needed maintenance, expansion, and siting of new facilities necessary for continued economically viable operation. Where appropriate, buffers, screens, landscaping, rooftop gardens, and sensitive site design shall be provided to enhance and maintain the character of the community.

d. NEW VILLAGE AREAS – This designation, in combination with **TOWN HILL VILLAGE**, is intended to absorb the majority of new residential development anticipated over the planning period through new development, redevelopment, infill, and/or expansion along the edges of or near other **VILLAGE AREAS**. In some cases, public sewer and/or water are available or can be readily extended. Most commercial and social activity that isn't located in other **VILLAGE AREAS** is

intended to be located in **NEW VILLAGE AREAS**, which are intended to provide for new development and redevelopment in a village style that discourages sprawl and strip development.

NEW VILLAGE AREAS include the areas:

- of Downtown defined by Spring Street, Cromwell Harbor Road, Eagle Lake Road, and the Acadia National Park boundary and Eden, Bloomfield, Cleftstone, and Eagle Lake roads,
- of Hulls Cove and Ireson Hill along and south of Route 3, but not including the wetlands east of Hamilton Pond,
- of Salisbury Cove along and south of Route 3, but not including Hamilton Pond and the wetland areas of Northeast Creek and the heath; and
- of Town Hill along Route 102 south of Gilbert Farm (Hadley Farm) Road and north of the cemetery, and on Indian Point Road east of Foxfield Farm Road, and on Crooked Road west of Frenchman's Hill.

The primary objective of this designation is to provide areas for anticipated growth that reinforces the concept of villages and a village lifestyle. To accomplish this, the Town shall adopt an approach of allowing the development of traditional, pedestrian oriented neighborhoods. Permitted uses shall include higher density residential, consistent with the density of existing development in nearby villages or, in the case of Town Hill, compatible with a traditional rural center. Community facilities and limited nonresidential uses, including small scale, neighborhood-oriented retail, office, service, and other nonresidential uses appropriate to a village shall also be allowed. The Town's LUO shall incorporate flexibility to permit utilization of existing residential structures by allowing higher densities if the development is intended for year-round use and is designed to be compatible with surrounding uses. The reuse or construction of structures shall be of a high quality and shall require that the existing character of the streetscape be retained or improved by carefully controlling the placement of parking and prohibiting the use of front yards for parking and storage, that adequate parking be provided, that the site be well landscaped and adjoining uses adequately buffered, and that the architectural character of the building be preserved. Access to serve new uses shall be regulated to conform to the character of the village, adjacent areas shall be protected from adverse impacts of change, and new buildings shall be compatible with historic character in terms of the scale, placement, and use of materials. In **NEW VILLAGE AREAS**, except for those near Downtown, new multifamily developments shall be in farmhouse like structures to better blend in with surrounding development. **NEW VILLAGES** shall complement and extend **DOWNTOWN**, **OLD VILLAGE**, and **TOWN HILL VILLAGE AREAS** to serve as centers of social and cultural life for Bar Harbor residents. A safe, comfortable, and attractive pedestrian environment shall be a key focus of amended standards of development which will be part of required design review of new development.

The gross residential density of **NEW VILLAGE AREAS** shall be at least four dwelling units per acre where sewer is available and at least two dwelling units per acre where public sewer is not available and where soils permit. Where appropriate to support and enhance a village environment, public sewer and/or water shall be extended, decentralized waste water facilities shall be allowed, where soils permit, new community and/or public facilities shall be sited, and existing facilities shall be maintained and replaced, as necessary.

Uses in **NEW VILLAGE AREAS** shall be primarily single and multifamily residential, although small scale, neighborhood commercial and community facilities are acceptable if developed in a manner sensitive to the objectives of the area. Flexibility in subdivision design and lot size, PUD zoning techniques, and other measures that preserve significant percentages of active and inactive farms, farmland soils, woodlots, scenic areas, wildlife habitat, and the interconnections of the resulting open spaces shall be encouraged.

The Town shall discourage property owners from creating lots along existing roads. To accomplish this, the Town shall establish lot frontage requirements of a minimum of 300 feet for lots on state roads and reflect existing standards along town roads and allow far smaller frontages on internal public or private roads. The Town shall encourage interconnected roadways to offer residents alternative routes of travel to main roads in the community.

e. TOWN HILL VILLAGE AREAS – These mature, developed areas have traditionally accommodated a higher density of Town Hill's population than occurs in the rest of neighborhood. Furthermore, much of Town Hill's commercial and a large part of its social activity take place in **TOWN HILL VILLAGE AREAS**. This designation is intended to encourage the preservation, revitalization, and expansion of **TOWN HILL VILLAGE AREAS** along the edges of Town Hill Center and Red Rock Corner and to protect them from encroachment by incompatible uses.

TOWN HILL VILLAGE AREAS include the areas:

- around Red Rock Corner north to Right of Way Road and
- within approximately $\frac{3}{4}$ mile of Town Hill Center, extending north to Indian Point Road and south to the vicinity of Fogg Road.

This designation is intended to allow for infill development with similar types of single family, multifamily, commercial, and other uses at higher densities than what occurs in other parts of Town Hill. The gross residential density of **TOWN HILL VILLAGE** shall be at least two dwelling units per acre where public sewer is not available and where soils permit and at least four dwelling units per acre if sewer becomes available. Where appropriate to support and enhance a village environment, public sewer and/or water shall be extended, decentralized waste water facilities shall be allowed where soils permit, new community and/or public facilities shall be sited, and existing facilities shall be maintained and replaced, as necessary.

The primary objective of this designation is to reinforce the concept of Town Hill village and a village lifestyle. To accomplish this, the Town shall adopt an approach to dealing with existing buildings that encourages full utilization by allowing flexibility in their use. Permitted uses shall include higher density year-round residential, community facilities, and small scale, retail, office, service, and other nonresidential uses appropriate to a village, although it is critical that the scale and intensity of development respect and reflect standards to assure that the uses are good neighbors to nearby residential neighborhoods and properties. Where appropriate, buffers, screens, landscaping, and sensitive site design shall be provided to enhance and maintain the character of the area. Existing nonresidential uses that are not necessarily neighborhood-oriented, particularly those located along Route 102, shall continue to be allowed, but may only undertake limited expansion as part of overall renovation and maintenance necessary to allow for continued economic operation of the properties.

Development proposals shall undergo design review to assure compliance with these standards and maintenance of a comfortable and attractive pedestrian environment. Reuse, expansion, and construction of new structures shall be of a high quality and shall require that the existing character of the streetscape be retained or improved by carefully controlling the placement of parking and prohibiting the use of front yards for parking and storage, that adequate parking be provided, including satellite lots if appropriate, that the site be well landscaped, that adjoining uses be adequately buffered, and that the architectural character of buildings be preserved. Access to serve new uses shall be regulated to conform to the character of the surrounding village, adjacent areas shall be protected from adverse impacts of change, and new buildings shall be compatible with historic character in terms of the scale, placement, and use of materials.

In **TOWN HILL VILLAGE AREAS**, new multifamily developments shall be in farmhouse like structures to better blend in with surrounding development. **TOWN HILL VILLAGE AREAS** shall serve as centers for Town Hill residents' social and cultural life. A safe, comfortable, and attractive pedestrian environment shall be a key focus of amended standards of development which will be part of required design review of new development.

Where appropriate in **TOWN HILL VILLAGE AREAS**, historic designations shall be established

Appendix C: Implementation Schedule

| <i>Timeline for Implementation of Fall 2010 Land Use Ordinances</i> | | |
|---|----------------------|--|
| Meeting Date | Meeting/Steps | Description |
| March 11, 2010 | Neighborhood Meeting | Existing Conditions and Visioning Work Session |
| March 17, 2010 | Planning Board | Introduce Draft Language to Planning Board and gather feedback |
| March 24, 2010 | Website | Planning Department posts draft ordinance language for public review to website. |
| Late March | Neighborhood Meeting | Planning Department holds follow up neighborhood meeting to review draft ordinance language. |
| April 2, 2010 | Website | Planning Department posts second draft of language for public review to the website |
| April 6, 2010 | Town Council | Staff introduces language to the Town Council. |
| April 7, 2010 | Planning Board | Staff presents final language to the Planning Board and gathers final thoughts. |
| May 4, 2010 | Town Council | Introduce final language to Town Council |
| May 18, 2010 | Town Council | Optional Public Hearing |
| June 2, 2010 | Planning Board | Check in |
| June 10, 2010 | Website | Planning Department posts final Orders to website |
| June 15, 2010 | Town Council | Review Final Language |
| July 6, 2010 | Town Council | Town Council signs Orders |
| November 2, 2010 | Town Meeting | Town vote on proposed amendments |